



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-065**

June 28, 2006

Arthur Cohen
44 Hanover St
Keene, NH 03431

RE: DES Wetlands File #2006-00248 Off Lewis Rd, Marlow

Dear Mr. Cohen:

On February 8, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Marlow Tax Map 412 as Lot 4 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. Slash piles were located within a jurisdictional wetland.
2. During recent logging activities, logs had been stockpiled in a wetland and the wetland had been rutted.
3. The stream crossing on the access road had eroded around the culvert and sediment had been deposited in the stream channel. Headwalls were not present on the culvert.

An informal restoration agreement was arranged with you, however, to date the restoration activities have not been completed.

In response, you are requested to take the following actions:

1. Within 30 days of the date of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for immediately stabilizing the culvert inlet and outlet, restoring the rutted wetland area and removing the slash piles from the wetland. In addition, a Standard Dredge and Fill permit application is required to conduct work on the stream bank to restore and stabilize the stream crossing on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
 - f. Provisions to remove all sediment deposition in the stream channel using hand tools.
2. **Within 45 days of the date of this letter**, submit a Standard Dredge and Fill permit application to install headwalls, restore and stabilize the stream crossing.
 3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Collis G. Adams', is written over a large, bold, black 'COPY' stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 4911

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Marlow Conservation Commission
Marlow Board of Selectmen
USACOE